

## **REMARKS**

### **Claim Status**

Claims 1-16 are currently pending, with claims 1 and 11 being in independent form. Claims 1-16 have been amended. The amendments to the claims correct minor wording, and are cosmetic in nature. No new matter has been added. Reconsideration of the application, as herein amended, is respectfully requested.

### **Overview of the Office Action**

Claims 1-16 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pub. No. 2001/00496738 ("*Hirayama*") in view of U.S. Patent No. 6,967,958 ("*Ono*").

Applicants have carefully considered the Examiner's rejections, and the comments provided in support thereof. For the following reasons, applicants assert that all claims now pending in the present application are patentable over the cited art.

### **Descriptive Summary of the Prior Art**

*Hirayama* discloses a method for blocking unauthorized access, i.e., an attempt to connect and perform illegal calls, in an Internet telephone system (see paragraph [0004]).

*Ono* discloses "a communication-status notification apparatus, a communication-status display apparatus, a communication-status notification method, a recording medium in which a communication status notification program is recorded and a communication apparatus, which enable a user of a communication system, such as a VoIP communication system, to observe various kinds of communication status of voice data in a network, such as an IP network, easily via a subscriber terminal" (see col. 4, lines 41-49).

### **Summary of the Subject Matter Disclosed in the Specification**

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The specification discloses an installation and method for verifying the identity of the sender of a telephone call over an Internet Protocol network that can be used to identify a sender using a VoIP telephone terminal, i.e. an Internet telephone terminal.

In accordance with the claimed installation and method, an encrypted control code containing parameters relating to the identity of a telecommunications terminal, from which the telephone call is sent, is inserted into a field of a call set-up request frame. The encrypted control code is decrypted at a remote call management server. The parameters extracted from the decrypted control code are then compared with corresponding information stored in a database that is hosted in the management server. If the extracted parameters correspond to the stored information, i.e., the identity of the VoIP telephone terminal being used is thus verified, then the call is established.

### **Patentability of the Independent Claims Under 35 U.S.C. §103(a)**

Independent claim 1 recites the step of “inserting into a field of a call set-up request frame an encrypted control code containing parameters relating to the identity of a telecommunications terminal from which the telephone call is sent”. Independent claim 11 recites “a call management server which is configured to initiate set-up of a call between calling and called telecommunications terminals as a function of parameters contained in a call set-up request frame sent by the calling telecommunications terminal”. Thus, independent claims 1 and 11 recite “parameters” (or corresponding “information”) relating to the identity of a telecommunications

terminal from which the telephone call is sent. Independent claims 1 and 11 additionally recite that these parameters are inserted or contained in a field of a call set-up request frame.

The Examiner (at pg. 3 of the Office Action) acknowledges that *Hirayama* fails to teach an “encrypted control code; and decrypting the control code” as recited in independent claims 1 and 11, and cites *Ono* for these features. Applicants, however, contend that no combination of *Hirayama* and *Ono* achieves the subject matter of independent claims 1 and 11. There is simply nothing in *Hirayama* and/or *Ono* regarding applicants’ recited “parameters” of independent claims 1 and 11

According to the Examiner, *Hirayama* discloses “inserting into a field of a call set-up request frame an [encrypted] control code containing parameters relating to the identity of a telecommunications terminal from which the telephone call is sent (0026)”, as recited in independent claim 1 and correspondingly recited in independent claim 11. Applicants dispute the Examiner’s proffered analysis.

*Hirayama* (paragraph [0026], lines 1-4) explains that in the case of a received message being the ACF (admissions confirm) or the call setup signal, a call process controller receiving the message for call process control extracts an authentication key from the received message. *Hirayama* (paragraph [0026], lines 4-5) describes how the authentication key is used to decide whether to continue a call set-up procedure. However, the extracted authentication key of *Hirayama* is not the claimed parameters of independent claims 1 and 11, which (as recited in the claims) relate to the identity of a telecommunications terminal from which the telephone call is sent, and which are contained in an encrypted control code.

*Hirayama* (paragraph [0020], lines 1-4) additionally explains that “[i]n the case of a call from the IP telephone 6, when the IP telephone 6 originates the call, the VoIP gateway 3

accommodating the IP telephone 6 transmits an admission request (ARQ) to the gate keeper 5. Receiving the ARQ, the gate keeper 5 creates an authentication key and transmits to the VoIP gateway 3 an admissions confirm (ACF) after attaching the authentication key”. As further explained at paragraph [0036], lines 6-9 of *Hirayama*, “[t]he authentication key is created by randomly setting a combination of alphabet and 0~9 numerals in number of letters corresponding to a length of a message set in the counterpart of the ACF”. *Hirayama* thus teaches that the authentication key is simply an ordinary, random alphanumeric character string. Moreover, this “parameter” or “information” of *Hirayama* does not relate to the identity of a telecommunications terminal from which the telephone call is sent, as recited in independent claims 1 and 11. Indeed, the alphanumeric string is not employed in *Hirayama* to identify the sending terminal.

The object of *Hirayama* has nothing to do with that which applicants’ method and system are directed to achieving. *Hirayama* provides a way to check that each call is properly charged to the IP telephone which sends/receives the call. The identity of such sending/receiving IP telephone is already known (see Fig. 4). Neither *Hirayama* nor the skilled person viewing *Hirayama* would therefore have no reason to provide additional parameters for verifying the identity of the sending or receiving IP telephone; only improper impermissible hindsight construction based on the instant applicants’ disclosure suggests such a modification of the prior art. In contrast, the claimed invention is directed to verifying the identity of the sender of an Internet [VoIP] telephone call. *Hirayama* quite clearly fails to teach or suggest the “parameters” of independent claims 1 and 11 that relate to the identity of a telecommunications terminal from which the telephone call is sent.

*Ono* discloses a method, apparatus and recording medium “which enable a user of a communication system, such as a VoIP communication system, to observe various kinds of

communication status of voice data in a network, such as an IP network, easily via a subscriber terminal” (see col. 4, lines 41-49). *Ono* explains that “[t]he apparatus includes a request analysis section for discriminating whether or not voice data received by gateway equipment from a subscriber terminal contains a request on monitoring/controlling or notifying of a communication status in the network and for analyzing the content of the request” (see Abstract, lines 4-7). There is nothing whatsoever in *Ono* with respect to insertion of the claimed parameters into a field of a call set-up request frame, as recited in independent claim 1 and correspondingly recited in independent claim 11. The combination of *Hirayama* and *Ono* thus fails to teach or suggest parameters in a call set-up request frame relating to the identity of a telecommunications terminal from which the telephone call is sent and that are contained in an encrypted control code, and thus fails to achieve the express recitations of independent claims 1 and 11.

By virtue of the above-discussed differences between the recitations of independent claim 1 and 11, and the teachings of *Hirayama* in combination with the teachings of *Ono*, and the lack of any clear motivation for modifying the reference teachings to achieve applicants’ claimed invention, independent claims 1 and 11 are deemed to be patentable over *Hirayama* and *Ono* under 35 U.S.C. §103.

### **Dependent claims**

In view of the patentability of independent claims 1 and 11 for the reasons presented above, each of dependent claims 2-10 and 12-16 is deemed to be patentable therewith over the prior art. Moreover, each of these claims includes features which serve to still further distinguish the claimed invention over the applied references.

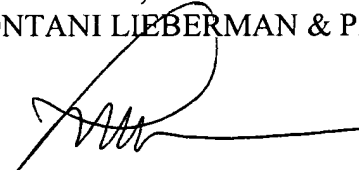
**Conclusion**

Based on all of the above, applicants submit that the present application is now in full and proper condition for allowance. Prompt and favorable action to this effect, and early passage of the application to issue, are solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate an early resolution of any outstanding issues.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By

  
\_\_\_\_\_  
Lance J. Lieberman  
Reg. No. 28,437  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: December 8, 2008